

**ELDRIDGE A. SUMLIN,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** ) **CIVIL NO. 08-cv-279-GPM**  
 )  
 **B. A. BLEDSOE,** )  
 )  
 **Respondent.** )

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*United States v. Sumlin*, Case No. 02-CR-115-ERW (E.D. Mo., filed Sept. 23, 2002). The sentencing court also stated that those sentences would “run concurrently with any sentence previously rendered in this court” (*see* the instant case, Doc. 1, p. 31), and that language is the basis for this action. Petitioner believes that he is entitled to credit from that 12-month sentence against the 121-month sentences.

There is just one fatal flaw in Petitioner’s reasoning. As clearly set forth in exhibits to the petition, the 12-month sentence began to run on December 16, 2002, the date that he was sentenced on the parole violation. After receiving various credits against that 12-month sentence, that sentence was fully discharged on September 10, 2003. At that time, it appears that Petitioner remained in custody pending resolution of the criminal charges against him. The final disposition in that case did not occur until July 27, 2004, when the 121-month sentences were handed down. Although the sentencing judge indicated a willingness to run those sentences concurrently with any prior sentence, it is clear that he meant undischarged sentences, or any portion thereof; it is a logistical impossibility to run a sentence concurrently with one that has already been fully served.

In summary, Petitioner is not entitled to relief, and this habeas action does not survive review under Rule 4. Accordingly, this action is **DISMISSED** with prejudice.

**IT IS SO ORDERED.**

DATED: 06/18/08

s/ *G. Patrick Murphy*  
G. Patrick Murphy  
United States District Judge